

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

vs.

CITY OF OMAHA, COUNTY OF
DOUGLAS, STATE OF NEBRASKA,
and UNKNOWN JOHN DOE OMAHA
POLICE,

Defendants.

8:18CV30

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. Plaintiff filed a Complaint ([Filing No. 1](#)) on January 25, 2018. Plaintiff included in his Complaint a request to proceed in forma pauperis. (*Id.* at [CM/ECF p.2](#).) However, his request does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. *See* [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor”). Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk’s office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$400.00 fees to the clerk’s office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Plaintiff the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **March 5, 2018**: Check for MIFP or payment.

Dated this 2nd day of February, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge